

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

9.980 ACRES OF LAND, MORE OR LESS,
SITUATE IN CAMERON COUNTY,
STATE OF TEXAS, JUAN JOSE
MARTINEZ, *et al.*,
Defendants.

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CIVIL ACTION NO. 1:20-cv-00100

AGREED FINAL JUDGMENT

The Court hereby renders final judgment in this case in accordance with Federal Rule of Civil Procedure 54. On April 22, 2021, Plaintiff, United States of America (“United States”) appeared before the Court for a hearing on title and ownership, to determine the identification of the named Claimants in this case entitled to just compensation for the July 20, 2020 taking of Tract RGV-HRL-7512 (9.98 acres).¹ Claimants Juan Jose Martinez, Gloria Cuellar, Sulema Valencia, Petra Casares, Cindy M. Lopez, Orencio Martinez, Jr., and Olivia Rodriguez received notice of the hearing on title and ownership²; however, did not appear at the April 22, 2021 hearing, or file any objections to the United States’ Amicus Brief Regarding Title of Tract RGV-HRL-7512³ on or before Court imposed submission deadline of April 13, 2021.⁴

Having considered the evidence on title and just compensation in the record, the Court enters final judgment in this case and accordingly, the following is hereby **ORDERED**:

¹ Tract RGV-HRL-7512 is described in Schedules “C,” “D,” and “E,” of the Complaint in Condemnation and Declaration of Taking filed in this case. Docs. 1-1 at 6-20; 2-1 at 6-20.

² Doc. 40.

³ Doc. 37.

⁴ Doc. 35 at 1.

1. Defendant Antonio “Tony” Yzaguirre, Cameron County Tax Assessor-Collector, on behalf of Claimants Cameron County, Texas, Brownsville Independent School District, Brownsville Navigation District, Cameron County Emergency Services District No. 1, South Texas Independent School District, and Texas Southmost College (collectively, hereafter “Taxing Authorities”) is entitled to full and just compensation payable by the United States for the taking of Tract RGV-HRL-7512 for the twenty-eight thousand, nine hundred, sixty-three and 00/100 dollars (\$28,963.00) on deposit in the registry of the Court, plus ten and 70/100 (\$10.70) of accrued interest, for a total of twenty-eight thousand, nine hundred, seventy-three and 70/100 dollars (**\$28,973.70**) which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by the named Claimants against the United States for the institution and prosecution of the above-captioned action.
2. Judgment is hereby entered against the United States in the amount of twenty-eight thousand, nine hundred, seventy-three and 70/100 dollars (**\$28,973.70**), which sum is inclusive of accrued interest, for the taking of Tract RGV-HRL-7512.
3. On July 20, 2020, the United States deposited a check in the amount of twenty-eight thousand, nine hundred, sixty-three and 00/100 dollars (\$28,963.00)⁵ and upon said deposit, title to Tract RGV-HRL-7512 vested in the United States by operation of law under the Declaration of Taking Act.
4. On September 28, 2020, the Court found the United States to be entitled to immediate possession of Tract RGV-HRL-7512, and ordered all persons in possession or control to surrender possession of same to the United States, to the extent of the estate being condemned⁶:

⁵ Doc. 9 at 1.

⁶ Doc. 23 at 1-2; Schedule “E,” Docs. 1-1 at 13; 2-1 at 13.

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of land described in Quit-Claim Deed recorded with Deed Records, Cameron County, Texas, on 4 December 1981, volume 1258, page 260, document number 34788, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map [in Schedule E of the Declaration of Taking];

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation, and maintenance of the border barrier.

To the extent that possession was not previously granted, all persons in possession or control of the interests taken in Tract RGV-HRL-7512 are hereby **ORDERED** to surrender possession of same to the United States.

5. Pursuant to a Stipulation filed by the United States and Taxing Authorities with the Court on November 4, 2020⁷, the total sum of twenty-eight thousand, nine hundred, seventy-three and 70/100 dollars **(\$28,973.70)**, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by the named with accrued interest, shall be subject to all taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable to the Taxing Authorities and deductible from this amount. The United States and Taxing Authorities stipulate that the total sum of **(\$28,973.70)**, shall be paid to Defendant Antonio "Tony" Yzaguirre, Cameron County Tax Assessor-Collector for *ad*

⁷ Doc. 27.

valorem taxes owed in Account Number: **71-0070-0070-0000-00** for Tract RGV-HRL-7512 (9.980 acres) and the whole parcel remaining in said account.

6. The stipulated just compensation remains on deposit in the registry of the Court. The Clerk of Court shall now, without further order of the Court, disburse the total sum of of **twenty-eight thousand, nine hundred, seventy-three and 70/100 dollars (\$28,973.70), which is inclusive of accrued interest earned thereon while on deposit**, payable to the order of:

Antonio “Tony” Yzaguirre, Jr., PCC.

7. Named Claimants in this case shall be responsible for their own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.
8. There being no further taxes or assessments due or owing as to Tract RGV-HRL-7512 (9.980 acres), Claimants Juan Jose Martinez, Gloria Cuellar, Sulema Valencia, Petra Casares, Cindy M. Lopez, Orencio Martinez, Jr., and Olivia Rodriguez are responsible for the payment of any additional taxes or assessments which they otherwise owe on the interest in the property taken in this proceeding on the date of taking, and are responsible for payment of any additional taxes or assessments which they otherwise owe on the remaining whole parcel.
9. Named Claimants shall take no appeal from any rulings or judgments made by the Court in this action.
10. This final judgment is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of all named Claimants in this case.
11. All issues have been resolved as to Tract RGV-HRL-7512 including any delinquent taxes and charges against it. Accordingly, the claims and interests of named Claimants: Juan Jose Martinez, Gloria Cuellar, Sulema Valencia, Petra Casares, Cindy M. Lopez, Orencio

Martinez, Jr., Olivia Rodriguez, Antonio “Tony” Yzaguirre, Cameron County Tax Assessor-Collector, on behalf of taxing authorities Cameron County, Texas, Brownsville Independent School District, Brownsville Navigation District, Cameron County Emergency Services District No. 1, South Texas Independent School District, and Texas Southmost College are hereby **resolved and there are no further issues to consider in this matter**. The Clerk of the Court is **ORDERED** to close this case.

SIGNED on _____, 2021, at Brownsville, Texas.

Fernando Rodriguez, Jr.
United States District Judge

AGREED AS TO FORM AND SUBSTANCE:

FOR DEFENDANT/CLAIMANTS:

s/Douglas Steven Bird, with permission

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